

## MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. MARK E. FULLER, PRESIDING

AT MONTGOMERY, AL

DATE COMMENCED: 4/19/06

AT: 9:40 a.m.

DATE COMPLETED: 4/20/06

AT: 4:55 p.m.

UNITED STATES OF AMERICA

§

vs.

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CR. NO. 2:05CR119-F

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DON EUGENE SIEGELMAN, ET AL.

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GOVERNMENT

APPEARANCES:

DEFENDANT

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Louis V. Franklin, Sr.

James B. Perrine

Stephen P. Feaga

Joseph L. Fitzpatrick

Richard C. Pilger

Charles Redding Pitt - Siegelman

David Allen McDonald - Siegelman

Vincent F. Kilborn - Siegelman

Arthur W. Leach - Scrushy

Frederick G. Helmsing, Sr. - Scrushy

Leslie Vernon Moore - Scrushy

Terry Butts - Scrushy

William Joseph Baxley - Roberts

Samuel J. Briskman - Roberts

Stewart D. McKnight, III. - Roberts

Michel Nicrosi - Hamrick

Thomas Jefferson Deen, III. - Hamrick

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COURT OFFICIALS PRESENT:

Meredyth Cohen, Law Clerk

Kelli Gregg, Courtroom Clerk

Jimmy Dickens, Court Reporter

Barbara Wells, Law Clerk

Josh Clayton, Law Clerk

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COURTROOM PROCEEDINGS:

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**( X ) Jury Selection**

9:40 a.m. -

Court convenes.

Court gives preliminary instructions to the jury.

The jury panel is given the oath and sworn in with the Court.

Voir dire of jury panel begins.

Counsel asks individual voir dire questions of the jury panel.

Court takes up challenges for cause at this time.

Government moves to challenge for cause jurors #15 and #23; dfts Scrushy and Hamrick object; Court GRANTS Governments challenges as to jurors #15 and #23.

Dft. Siegelman moves to challenge for cause jurors #5, #13, #14, #17, #20, #34, #39 and #42; Court GRANTS challenges for cause as to jurors #39, #41 and #42.

Attorney Baxley Renews his Motion for Extra Strikes.

Court DENIES Attorney Baxley's Motion for Extra Strikes.

Counsel for dft. Siegelman asks the Court to revisit the granting of challenges for cause as to jurors #15 and #23.

Court will not revisit that issue.

Dft. Hamrick moves to challenge for cause jurors #14 and #41.

Dft. Roberts moves to challenge for cause jurors #5, #14 and #26.

Dft. Scrushy moves to challenge for cause jurors #7, #13, (RSA issues), (dfts. Siegelman and Roberts join in on #13), #14, #22, #23, #33 and #47; Gov't objects to RSA issues.

Select jurors were brought before the Court to answer additional questions from the Court and counsel: #5 - no motions for challenge for cause, #7 - no motions for challenge, #10 - excused by the Court, #11 - no motions for challenge, #13 - no motions, #14 - Gov't moves to challenge for cause; all dfts. oppose this challenge; Court GRANTS Gov'ts motion to challenge for cause juror #14, #16 - no motions, #17 - no motions, #18 - all dfts. move to challenge for cause juror #18; Gov't objects; Court DENIES challenge as to juror #18, Dft. Hamrick renews objection as to juror #14 and asks that juror #14 be reinstated into the jury pool; Court DENIES renewed request as to juror #14, #19 - no motions, #20 - no motions, #22 - no motions, #26 - no motions, #30 - no motions, #32 - excused by the Court, #33 - no motions, #34 - Dft. Scrushy moves for challenge for cause as to juror #34; Court DENIES dft. Scrushy's motion for challenge for cause as to juror #34, #40 - no motions, #41 - no motions, #44 - no motions, #46 - no motions and #47 - no motions.

3:05 p.m. - Court is in recess.

3:45 p.m. - Court reconvenes.

Jury panel number two is brought in at this time.

Court gives preliminary instructions to the jury.

The jury panel is given the oath and sworn in with the Court.

Voir dire of jury panel number two begins.

Counsel asks individual voir dire questions of jury panel.

Court takes up challenges for cause at this time.

Defendant Siegelman moves to challenge for cause juror #54, #60 and #49; Gov't objects to #49; Court GRANTS challenge as to juror #49; Dfts. Hamrick and Scrushy join in on the challenge for jurors #54 and #60;

Court GRANTS challenges as to jurors #54 and #60, Defendant Roberts moves to challenge for cause jurors #71, #93 and #99; Gov't objects to challenge as to juror #71, Defendant Scrushy moves to challenge for cause jurors #57 and #112; Court GRANTS challenge as to juror #57, #50 - no motions, #56 - no motions, #66 - no motions, #71 - Dft. Siegelman moves to challenge for cause; Dfts. Roberts and Scrushy join in; Court GRANTS challenge as to juror #71, #74 - Excused by the Court, #82 - Dft. Scrushy moves to challenge for cause; Court DENIES challenge as to juror #82, #83 - no motions, #90 - no motions, #93 - Gov't moves to challenge for cause; Court GRANTS challenge as to juror #93, #94 - no motions, #95 - Dft. Scrushy objects to excusing juror #95; Court Excuses juror #95, #98 - pass, #99 - Dfts. Scrushy and Roberts move to challenge for cause; Court DENIES challenge as to juror #99, #100 - pass, #103 - Excused, #104 - no motions, #105 - no motions, #108 - Gov't moves to challenge for cause; all dfts. object; Court DENIES challenge as to juror #108, #112 - Gov't moves to challenge for cause; all dfts. object; Court DENIES challenge for cause as to juror #112, #113 - no motions.

Questionnaires and voir dire proceedings will be placed under seal until further order of the Court.

9:00 p.m. - Court is in recess.

## **DAY TWO**

**4/20/06**

9:15 a.m. - Court convenes.  
Court explains that 1 of the jurors to be here today is running late and that we will go ahead and get started with the ones that we have.  
Counsel do not object to going ahead and getting started with the jurors that we have here.  
Court gives preliminary instructions to the jury.  
Jury is given the oath and sworn in with the Court.  
Voir dire of jury panel begins.  
Counsel asks individual voir dire questions of the jury panel.  
Court takes up challenges for cause at this time.  
#125 - Excused by the Court and dft Siegelman's motion to challenge for cause is GRANTED, #115 - Roberts and Siegelman move to challenge for cause; Court GRANTS challenge as to juror #115, #118 - Car problems and did not attend jury service - excluded and excused without objections, #116 - no motions, #117 - no motions, #119 - no motions, #120 - Roberts and Scrushy move to challenge for cause; Court will DENY challenge as to being unfair but will Excuse juror for other reasons, Siegelman moves the court to reconsider challenge as to juror #18; Gov't objects; Court DENIES motion to reconsider.

1:20 p.m. - Court is in recess.

3:10 p.m. - Court reconvenes.

Counsel begin striking their jury.

Counsel strike 18 jurors for service in this case.

Government would like the Court to hold off swearing in the jury until the motion regarding the jury wheel has been ruled on.

All dfts object and would like the jury panel to be sworn in today.

Defendant Scrushy asks the Court to direct the government to notify them of what order and what day their witnesses will be called in. Set some kind of schedule.

Defendant Scrushy would like to know how long for opening statements, maybe at least 1 hour or longer.

Defendant Siegelman would like 1 and a half hours for opening statements.

Defendant Hamrick would like 45 minutes.

Defendant Roberts would like 30 minutes.

Government would like 1 hour and 15 minutes.

Government objects to giving defendants their lineup for trial.

Court will asks that the Government provide a list of witnesses they expect to call at end of business every day for the next day in case in chief. Same goes for defense counsel. Counsel need to make every effort to let each other know who they will be calling to testify each day.

Court will give the Government 1 hour and 15 minutes, Siegelman will get 1 hour and the remaining defendants will get 45 minutes for opening statements.

4:55 p.m. - Court is in recess.